## LAW OFFICES OF GEORGE B. FREEHILL **NEW JERSEY OFFICE** FREEHILL HOGAN & MAHAR LLP 549 SUMMIT AVENUE WILLIAM L. JUSKA, JR. JERSEY CITY, N.J. 07306-2701 JAMES L. ROSS\* 80 PINE STREET TELEPHONE: (973) 623-5514 ERIC E. LENCK FACSIMILE: (973) 623-3813 JOHN J. WALSH' NEW YORK, N.Y. 10005-1759 PATRICK J. BONNER® PETER J. GUTOWSKI TELEPHONE (212) 425-1900 MARK F. MULLER CUT OFFICE FACSIMILE (212) 425-1901 WAYNE D. MEEHAN\* E-MAIL: reception@freehill.com ENDO 06820-4555 (203) 921-1913 DON P. MURNANE, JR.A THOMAS M. RUSSO THOMAS M. CANEVARI † FACSIMILE: (203) 358-8377 MICHAEL FERNANDEZ\* JOHN F. KARPOUSIS\*A MICHAEL E UNGER\*\* WILLIAM J. PALLAS\* GINA M. VENEZIA®A LAWRENCE J. KAHN\* tober 25, 2007 BARBARA G. CARNEVALE\* -AMBE IV MANUEL A. MOLINA RICHARD M BEHMAN JUSTIN T. NASTRO\* PAMELA L. SCHULTZ\*°† USDI DANIEL J. FITZGERALD\*†A MICHAEL C. ELLIOTT\* JAN P. GISHOLT \*ALSO ADMITTED IN NEW JERSEY 1ALSO ADMITTED IN CONNECTICUT AALSO ADMITTED IN WASHINGTON, D.C. \*ALSO ADMITTED IN LOUISIANA Honorable Richard M. Berman United States District Judge SO ORDERED Daniel Patrick Moynihan United States Courthouse

Re: Libra Shipping Services LLC v. Midway Oil Holdings Ltd. 07 CIV 3396 (RMB)

Dear Judge Berman:

500 Pearl St., Room 650

New York, NY 10007

We represent the plaintiff in the captioned matter and write further to our letter of July 30 (copy attached) in which we requested an additional 60 days to serve the Defendant with a copy of the Summons and Verified Complaint. Your Honor granted that request, and extended the time for service until October 29, on the condition that we obtained the consent of the defendant, which we did.

Our attached request for an extension of time was premised on settlement discussions in London between the plaintiff and defendant. We have now learned that, at least at this moment, settlement discussions have not been productive and the case is proceeding to London arbitration. We hereby request a further 30 day extension of time to serve the complaint, which will be our final request. The defendant's attorney, who is receiving a copy of this letter by e-mail, has already confirmed the defendant's agreement to a further 30 day extension. Now that it appears settlement discussions in London have failed, we will proceed to serve the complaint. However, because the defendant is registered in the Turks & Caicos Islands, and apparently has an operational office in Vienna, service before the current October 29<sup>th</sup> deadline would be logistically difficult.

ELECTRONICALLY FILED DOC #:
DATE FILED: 10/26/2007

Richard M. Berman, U.S.D.J.

Given the foregoing, we respectfully request the Court grant this final extension of time. We thank the Court for its attention to this matter.

Respectfully submitted, FREEHILL HOGAN & MAHAR LLP

cc: Alan Van Praag, Esq. (via e-mail to avanpraag@evw.com

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Our Ref: 194-07/WLJ/PLS

July 30, 2007

Honorable Richard M. Berman United States District Judge Daniel Patrick Moynihan United States Courthouse 500 Pearl St., Room 650 New York, NY 10007

> Libra Shipping Services LLC v. Midway Oil Holdings Ltd. Re:

07 CIV 3396 (RMB)

## Dear Judge Berman:

GEORGE B. EREEHILL

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PATRICK'S. BONNER" PETER J. GUTOWSKI

MARK F. MULLER WAYNE D. MEEHAN\*

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JAMES L. ROSS\* ERIC E LENCK JOHN J. WALSH\*

We represent the plaintiff in the captioned matter and write to request an additional 60 days to serve the Defendant with a copy of the Summons and Verified Complaint. This is our first request for such relief.

By way of background, Plaintiff initiated this action as an ancillary matter to London arbitral proceedings seeking security for its maritime claims in the London arbitration via an attachment of the Defendant's property in this District pursuant to Rule B. The requested Rule B attachment was granted, and the Plaintiff has been successful in restraining \$250,000 belonging to the Defendant. We immediately advised the Defendant of the restraint, and the parties have been discussing settlement through overseas counsel.

Because the parties are actively discussing settlement of this matter, Plaintiff does not wish to disturb these negotiations by moving forward with service of process. However, as August is traditionally the vacation month in Europe, we do not anticipate there will be much progress in the settlement discussions during this time, and we therefore request an additional 60 days to serve the Defendant with the Summons and Verified Complaint, up to and including October 29, 2007, in the hopes that the parties will come to a settlement agreement, thereby alleviating the need for the present Rule B action.

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We thank the Court for its attention to this matter.

Respectfully submitted,
FREEWILL HOGAN & MAHAR LLP

William L. Juska, Jr. Pamela L. Schultz